

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Sean Elo-Rivera • Ninth District

COUNCIL PRESIDENT PRO TEM

Monica Montgomery Steppe • Fourth District

COUNCILMEMBERS

Joe LaCava • First District
Jennifer Campbell • Second District
Stephen Whitburn • Third District
Marni von Wilpert • Fifth District
Chris Cate • Sixth District
Raul A. Campillo • Seventh District
Vivian Moreno • Eighth District

Jeff Kavar
Interim Independent
Budget Analyst

Mara W. Elliott
City Attorney


Elizabeth Maland
City Clerk

Virtual Meeting

Tuesday, January 11, 2022

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 11, 2022, AT 10:00 AM
11AM COUNCIL ADJOURNS INTO CLOSED SESSION
CITY ADMINISTRATION BUILDING
12TH FLOOR, 202 "C" STREET SAN DIEGO, CA 92101
VIRTUAL CITY COUNCIL MEETING**

**COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING COUNCIL MEETING ACCESS
AND PUBLIC COMMENT:**

Until further notice, City Council meetings will be conducted pursuant to the provisions of California Government Code section 54953(e), added by Assembly Bill 361, which allows the City to use teleconferencing and to provide the public an opportunity to address the City Council via a call-in option or an internet-based service option, during a proclaimed state of emergency when measures to promote social distancing are in effect or the City Council has determined meeting in person would present imminent risks to the health or safety of attendees. Additionally, the Council has approved  [Temporary Rules of Council](#) as amended on August 3, 2021, to be used until further notice.

During the State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, some, if not all, City Council members will be participating in the City Council meetings via a virtual teleconference platform. There will be no members of the public in attendance at the City Council meetings. We are providing alternatives to in-person attendance for participating in City Council meetings.

In lieu of in-person attendance, members of the public may participate and provide comment via telephone, ZOOM, using the City Clerk webform, or via U.S. Mail of written materials, as follows:

Joining the Webinar and Offering Phone-in Testimony

The City Council meetings will be held virtually using the Zoom Webinar platform. Members of the public can offer public comment on agenda items or during Non-Agenda Public Comment by accessing the meeting online using a desktop computer, laptop, tablet, or Smartphone, or by calling into the meeting using a Smartphone, cellular phone, or land line.

<https://sandiego.zoomgov.com/j/1614863189>

To join by using iPhone one-tap:

US: +16692545252,,1614863189#

To join by telephone: Dial 1-669-254 5252 +

When prompted, input **Webinar ID: 161 486 3189 #**

How To Speak To A Particular Item or during Non-Agenda Public Comment:

When the Clerk introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing *9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item.

When the Clerk indicates it is your turn to speak, unmute your phone by tapping the Unmute button on your computer, tablet or Smartphone, or dial *6 on your phone.

Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public Comment may be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 8:00 AM the day of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after 8:00 AM the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Written Materials. Instead of submitting written materials as an attachment to the webform, you may submit via U.S. Mail to the City Clerk's attention at 202 C Street, MS2A San Diego, CA 92101. Materials submitted via U.S. Mail must be received one business day prior to the meeting to be distributed to the City Council. Comments received via U.S. Mail on the day of, the meeting will be submitted into the written record for the relevant item.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Spectrum or Channel 99 for AT&T U-Verse, or [view the meetings online \(link is external\)](#).

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or email to: cityclerk@san Diego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Requests for translation services to offer public comment may be made by contacting the City Clerk at (619) 533-4000 or email to: cityclerk@san Diego.gov. The City is committed to addressing language translation requests swiftly in order to maximize public participation.

Las solicitudes de servicios de traducción para ofrecer comentarios públicos se deberán hacer poniéndose en contacto con la City Clerk al (619) 533-4000 o por correo electrónico a: cityclerk@san Diego.gov. La ciudad se compromete a responder rápidamente a las solicitudes de traducción de idiomas con el fin de maximizar la participación del público.

Ang kahilingan para sa mga serbisyo sa pagsasalin upang mag-alok ng publikong puna ay maaaring magawa sa pamamagitan ng pakikipag-ugnayan sa City Clerk sa (619) 533-4000 o kaya ay mag-email sa <mailto:cityclerk@sandiego.gov>. Ang lungsod ay nakatuon sa pagtugon ng mabilis sa mga kahilingan sa pagsasalin ng wika upang mai-maximize ang pakikilahok sa publiko.

Cần dịch vụ thông dịch để phát biểu ý kiến trước công chúng, xin hãy liên hệ với City Clerk (Thư Ký Thành Phố) theo số (619) 533-4000 hoặc email đến cityclerk@sandiego.gov. Thành phố cam kết sẽ giải quyết các yêu cầu thông dịch một cách nhanh chóng để gia tăng sự tham dự của công chúng.

يمكن تقديم طلبات خدمات الترجمة لتقديم تعليقات عامة عن طريق الاتصال بكاتب المدينة على (619) 533-4000 أو [mailto: cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov) تلتزم المدينة بمعالجة طلبات الترجمة اللغوية بسرعة من أجل زيادة المشاركة العامة

パブリックコメントを要求するための翻訳サービス依頼は、市の書記（電話：619-533-4000またはメール：<mailto:cityclerk@sandiego.gov>）に連絡することによって行うことができます。市は、市民の参加を最大化するために、言語翻訳の依頼に対応することに取り組んでいます。

샌디에고 시에 의견을 보내시기 위해 번역 서비스가 필요하시면 시 서기 사무실 (619) 533-4000 또는 <mailto:cityclerk@sandiego.gov>로 연락주시기 바랍니다. 시는 대중의 참여를 극대화하기 위해 언어 번역 요청을 신속하게 처리하려고 최선을 다하고 있습니다.

為了鼓勵更多市民參與 '公眾意見'，市政府設定了快捷的中文翻譯服務。如你有任何關於 '公開意見' 想發表，請致電: (619) 533-4000，或電郵 cityclerk@sandiego.gov 我們會為你翻譯。

“ການຮ້ອງຂໍບໍລິການນາຍແປພາສາເພື່ອສະເໜີຄໍາຄິດເຫັນຕໍ່ສາທາລະນະອາດສາມາດເຮັດໄດ້ໂດຍການຕິດຕໍ່ຫາ **City Clerk** ທີ່ (619) 533-4000 ຫຼືສົ່ງອີເມວຫາ: cityclerk@sandiego.gov. **City** ມີຄວາມມຸ່ງມັ້ນທີ່ຈະແກ້ໄຂຄໍາຮ້ອງຂໍໃຫ້ແປພາສາຢ່າງໄວເພື່ອໃຫ້ບໍາລາຊິນມີສ່ວນຮ່ວມສູງສຸດ.”

PLEASE NOTE: THE PUBLIC PORTION OF THIS AGENDA, LISTED BELOW INCLUDING NON-AGENDA PUBLIC COMMENT AND CLOSED SESSION PUBLIC COMMENT IS TAKEN DURING THE 10 AM MORNING PORTION OF THE AGENDA. THE COUNCIL ADJOURNS INTO CLOSED SESSION AT APPROXIMATELY 11 AM AND RESUMES THE PUBLIC PORTION OF THE MEETING AT 2 PM.

OTHER LEGISLATIVE MEETINGS

PUBLIC FACILITIES FINANCING AUTHORITY is scheduled to meet today VIRTUALLY. A separate agenda is published for it, and is available online and in the Kiosk located in front of the City Administration Building, 202 C Street SD, CA 92101. For more information, please contact David Powell at (619) 236-5894. Internet access to the agenda is available at:

<https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

11/29/2021 Special

12/06/2021

12/07/2021

12/13/2021

12/14/2021

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Exemption of Program Coordinator Position in SDCERS from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The funding for this position is included with the SDCERS budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2022-65)

Introduction of an Ordinance authorizing the exemption of one Program Coordinator position in the San Diego City Employees' Retirement System from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on November 4, 2021. The Program Coordinator position will be responsible for developing policies related to the call center, retirement applications, customer service, quality assurance, and other related duties. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

SDCERS: Colin Brazile, (619) 525-3630

City Attorney Contact: Miguel Merrell

Item 51: Awarding the Consultant Agreement with Rick Engineering Company for Consultant Services for Design and Construction Support for the Otay 2nd Pipeline Phase 4 (H207169) Project.

Total Estimated Cost of Proposed Action and Funding Source:

The total costs for this agreement with Rick Engineering Company is \$3,077,440.00. Funding is available within the Water Utility CIP for the purpose of executing this consultant agreement.

Council District(s) Affected: Outside of City limits.

Proposed Actions:

(O-2022-70)

Introduction of an Ordinance authorizing a consultant agreement with Rick Engineering Company for consultant services for design and construction support for the Otay 2nd Pipeline Phase 4 (H207169) Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on December 15, 2021.

ACTION: Motion by Councilmember Montgomery Steppe, second by Council President Elo-Rivera, to recommend Council approval of staff's proposed actions

VOTE: 4-0; von Wilpert-yea, LaCava-yea, Montgomery Steppe-yea, Elo-Rivera-yea.

Engineering & Capital Projects: Elif Cetin, (619) 533-3794

City Attorney Contact: Adam Wander

Item 52: Time Extension of Construction Contract K-16-1423-DBB-3 Navajo Pump Station with TC Construction Company, Inc..

Total Estimated Cost of Proposed Action and Funding Source:

There are no additional costs associated with this action.

Council District(s) Affected: 7.

Proposed Actions:

(O-2022-73)

Introduction of an Ordinance authorizing the obligations of construction contract K-16-1423-DBB-3, for WBS NO. B-11023, Navajo Pump Station, With TC Construction Company, Inc., to extend beyond five years for an additional 19 months.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on December 15, 2021.

ACTION: Motion by Vice Chair LaCava, second by Chair von Wilpert, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; von Willpert-yea, LaCava-yea, Montgomery Steppe-yea, Elo-Rivera-yea.

Engineering & Capital Projects: Elif Cetin, (619) 533-3794

City Attorney Contact: Adam Wander

Item 53: Extension of K-16-1431-DBB-3 Tierrasanta Pump Station Construction Contract with J. F. Shea Construction, Inc.

Total Estimated Cost of Proposed Action and Funding Source:

There are no additional costs associated with this action.

Council District(s) Affected: 7.

Proposed Actions:

(O-2022-72)

Introduction of an Ordinance authorizing the obligations of construction contract K-16-1431-DBB-3, For WBS NO. S-12040, Tierrasanta Pump Station, With J. F. Shea Construction, Inc., to extend beyond five-years for an additional 12 months, for a not-to-exceed total of 6-years.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on December 15, 2021.

ACTION: Motion by Vice Chair LaCava, second by Chair von Wilpert, to recommend Council approval of staff's proposed actions

VOTE: 4-0; von Wilpert-yea, LaCava-yea, Montgomery Steppe-yea, Elo-Rivera-yea.

Engineering & Capital Projects: Elif Cetin, (619) 533-3794

City Attorney Contact: Adam Wander

Item 54: Extension of K-15-1293-MAC-3-A, Multiple Award Construction Contract (MACC) for Water, Wastewater, and Storm Water Pipeline Projects for an Additional 12 Months.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this action as it is only for a time extension.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2022-69)

Introduction of an Ordinance authorizing the 12-month extension to the Multiple Award Construction Contract for water, wastewater, and stormwater pipeline projects (K-15-1293-MAC-3-A), as well as 12-month extensions to five tasks issued under the multiple award construction contract for water, wastewater, and stormwater pipeline projects.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on December 15, 2021.

ACTION: Motion by Vice Chair LaCava, second by Councilmember Montgomery Steppe, to move the item forward to City Council without recommendation

VOTE: 4-0; von Wilpert-yea, LaCava-yea, Montgomery Steppe-yea, Elo- Rivera-yea.

Engineering & Capital Projects: Alex Garcia, (858) 627-3287

City Attorney Contact: Adam Wander

Item 55: An Ordinance for Construction Change Order No. 10 and Transfer of Appropriations for Pacific Beach Pipeline South (K-16-1306-DBB-3) with TC Construction.

Total Estimated Cost of Proposed Action and Funding Source:

The total cost of this Construction Change Order No. 10 and transfer of appropriations is \$2,593,000.00 from the Large Diameter Water Transmission PPL within fund 700010

Council District(s) Affected: 2, 6.

Proposed Actions:

(O-2022-74)

Introduction of an Ordinance authorizing the mayor, or his designee, to execute a construction change order to the agreement with TC Construction Company, Inc., or the Pacific Beach Pipeline South Project (K-16-1306-DBB-3) adding an additional \$2,593,000, and authorizing the contract with TC Construction Company to extend an additional seven months beyond five-years until December 4, 2022.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on December 15, 2021.

ACTION: Motion by Vice Chair LaCava, second by Councilmember Montgomery Steppe, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; von Wilpert-yea, LaCava-yea, Montgomery Steppe-yea, Elo-Rivera-yea.

Engineering & Capital Projects: Abi Palaseyed, (619) 533-4654

City Attorney Contact: Adam Wander

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 56: Amend the Administrative Code of the San Diego Municipal Code (SDMC) to Update the List and Descriptions of City Departments.

Total Estimated Cost of Proposed Action and Funding Source:

Budgets for these departments have already been approved by Council in the Fiscal Year 2022 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinances which were introduced on 12/7/2021, Item 50, Subitem A, B, C, D, E, and F. (Council voted 9-0):

Subitem-A: (O-2022-13)

Ordinance amending Chapter 2, Article 2 of the San Diego Municipal Code by adding new Division 57, Section 22.5701, establishing the Compliance Department as a City department in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Subitem-B: (O-2022-38)

Ordinance amending Chapter 2, Article 2 of the San Diego Municipal Code by adding new Division 56, Section 22.5601 relating to establishing the Homelessness Strategies and Solutions Department in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Subitem-C: (O-2022-20)

Ordinance amending Chapter 2, Article 2 of the San Diego Municipal Code by amending the title of Division 14, amending Sections 22.1402 and 22.1403, and adding new Section 22.1405, and amending Chapter 2, Article 2 by amending the title of Division 51 and amending Section 22.5101, all relating to changing the names of the Public Works Department to the Engineering and Capital Projects Department, the Fleet Services Department to the General Services Department, and reorganizing the Transportation and Stormwater Department into the Transportation Department and the Stormwater Department in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Subitem-D: (O-2022-30)

Ordinance amending Chapter 2, Article 2, Division 2 of the San Diego Municipal Code by amending Section 22.0220 and repealing Section 22.0221 and amending Chapter 6, Article 8, Division 1 by amending Section 68.0101, relating to renaming the Real Estate Assets Department the Real Estate and Airport Management Department and updating its duties in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Subitem-E: (O-2022-28)

Ordinance amending Chapter 2, Article 2, Division 54 of the San Diego Municipal Code by amending Section 22.5401, renaming the Sustainability Department the Sustainability and Mobility Department and updating its duties in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Subitem-F: (O-2022-39)

Ordinance amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801, updating the list of City Departments in the City Administrative Code.

6 votes required pursuant to Charter Section 26.

Committee Actions Taken: N/A

Office of the Chief Operating Officer: Jay Goldstone, (619) 236-6429

City Attorney Contact: Heather Ferbert

Item 57: Adoption of the 2019 California Fire Code & Associated Municipal Code Repeal and Adoption.

Total Estimated Cost of Proposed Action and Funding Source:

Administration of the Fire Code is based upon a fee for service paid for by applicants in the development process.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinances which were introduced on 12/7/2021, Item 51, Subitem A and B. (Council voted 9-0):

Subitem-A: (O-2022-51)

Ordinance amending Chapter 5, Article 5, of the San Diego Municipal Code by repealing Divisions 1 through 11, Divisions 20 through 37, Divisions 48 through 51, Divisions 53 through 67, Divisions 80 through 81, Divisions 83 through 87, Division 94, and Division 99, relating to the adoption of the California Fire Code.

Subitem-B: (O-2022-50)

Ordinance amending Chapter 5, Article 10, of the San Diego Municipal Code by adding Divisions 1 through 83, relating to the adoption of the California Fire Code.

Committee Actions Taken: N/A

Fire-Rescue: Tony Tosca, (619) 533-4431

City Attorney Contact: Laura DePoister

Item 58: Extension of K-15-5716-DBB-3 University Avenue Pipeline Construction Contract with Burtech Pipeline, Inc.

Total Estimated Cost of Proposed Action and Funding Source:

There are no additional costs associated with this action.

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/7/2021, Item 52
(Council voted 9-0):

(O-2022-55 Cor. Copy)

Ordinance authorizing the obligations of construction contract K-15-5716-DBB-3, for WBS No. S-11021, University Ave Pipeline Replacement, with Burtech Pipeline, Inc. to extend beyond five years for an additional 34 months, for a not to exceed total of 7 years and 10 months.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Engineering & Capital Projects: Elif Cetin, (619) 533-3794
City Attorney Contact: Adam Wander

Item 59: Barrio Logan Community Plan Update.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action.

Council District(s) Affected: 8.

Proposed Actions:

Adopt the following ordinances which were introduced on 12/7/2021, Item 335, Subitem C, D, and E. (Council voted 9-0):

Subitem-A: (O-2022-36)

Ordinance amending the Land Development Code Chapter 13, Article 2, Division 14, Chapter 14 Article 3 Division 12, and Chapter 14 Article 4 Division 5 and amending the City's certified Local Coastal Program for the Community Plan Update Project.

Subitem-B: (O-2022-37)

Ordinance repealing the Barrio Logan Planned District Ordinance, Land Development Code Chapter 15 Article 2 Divisions 1 through 4 for the Community Plan Update Project.

Subitem-C: (O-2022-48 Cor. Copy)

Ordinance rezoning land within the Barrio Logan Community Planning Area consistent with the Community Plan Update Project.

Committee Actions Taken: N/A

Planning: Lisa Lind, (619) 236-6531

City Attorney Contact: Shannon Eckmeyer

Item 60: Montezuma Road - Project No. 623199.

Total Estimated Cost of Proposed Action and Funding Source:

The project is a private development project and all costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Council District(s) Affected: 9.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/7/2021, Item 336, Subitem B. (Council voted 9-0):

(O-2022-52)

Ordinance approving a rezone changing 0.43 acres located at 6253, 6263, and 6373 Montezuma Road, within the College Area Community Plan Area, in the City of San Diego, California, from the RM 1-1 Zone in to the RM 3-9 Zone for the Montezuma Road Project.

This item is not subject to the Mayor's veto.

Committee Actions Taken: N/A

Development Services: Derrick Johnson (D.J.), (619) 446-5477

City Attorney Contact: Jeanne MacKinnon

Item 61: First Amendment to Agreement for Engineering Services, Contract #H197062, with Rick Engineering for the Design of Streamview Drive Improvements Phase II project.

Total Estimated Cost of Proposed Action and Funding Source:

The total cost for this Agreement Amendment is \$353,146.00; of which, \$119,541.60 is from TransNet Fund, \$7,886.90 is from Water Fund, \$55,135.90 is from Sewer Fund, and \$170,581.60 is from Commercial Paper Fund.

Council District(s) Affected: 4.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/13/2021, Item 203. (Council voted 8-0, Councilmember Campbell- not present):

(O-2022-54)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Rick Engineering for additional engineering services in an amount not-to-exceed \$353,146.00, in connection with the Streamview Drive Phase II project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Engineering & Capital Projects: Alex Garcia, (858) 627-3287

City Attorney Contact: Ryan P. Gerrity

Item 62: 2021 Update to the San Diego Municipal Code and Local Coastal Program.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action. Costs associated with implementation of the regulations in the future will be borne by project applicants through a permitting process.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was amended by Council action at the time of introduction on 12/13/21, Item 204, Subitem A. Adopt the following Ordinance which was introduced on 12/13/2021, Item 204, Subitem B. (Council voted 8-0, Councilmember Campbell- not present):

Subitem-A: (O-2022-59 Rev.)

Ordinance amending Chapter 11, Article 2, Division 3 of the San Diego Municipal Code by amending Section 112.0304; amending Chapter 11, Article 2, Division 6 by amending Sections 112.0602 and 112.0604; amending Chapter 11, Article 3, Division 1 by amending Section 113.0103; amending Chapter 11, Article 3, Division 2 by amending Section 113.0270; amending Chapter 12,

Article 5, Division 3 by amending Section 125.0330; amending Chapter 12, Article 6, Division 4 by amending Section 126.0402; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 4 by amending Section 131.0431; repealing Section 131.0454, and amending Sections 131.0455 and 131.0461; amending Chapter 13, Article 1, Division 5 by amending Sections 131.0522 and 131.0546; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 13, Article 1, Division 7 by amending Sections 131.0707, 131.0709 and 131.0718; amending Chapter 14, Article 1, Division 1 by amending Section 141.0103; amending Chapter 14, Article 1, Division 2 by amending Section 141.0203; amending Chapter 14, Article 1, Division 3 by amending Sections 141.0308 and 141.0309; amending Chapter 14, Article 2, Division 5 by amending Section 142.0528; amending Chapter 14, Article 2, Division 6 by retitling and amending Section 142.0640; amending Chapter 14, Article 2, Division 7 by amending Section 142.0740; amending Chapter 14, Article 2, by retitling Division 8, retitling and amending Section 142.0801; adding Sections 142.0802 and 142.0803, retitling and amending Sections 142.0805, 142.0810, 142.0820, 142.0830, and adding Section 142.0831; amending Chapter 14, Article 2, Division 13 by amending Section 142.1304; amending Chapter 14, Article 3, Division 1 by amending Section 143.0110; amending Chapter 14, Article 3, Division 2 by amending Section 143.0260; amending Chapter 14, Article 3, Division 7 by amending Sections 143.0720, 143.0740, and 143.0745; amending Chapter 14, Article 3, Division 10 by amending Sections 143.1001, 143.1002, 143.1005, 143.1010, 143.1015, 143.1020, 143.1025, and 143.1030; amending Chapter 14, Article 3, Division 11 by amending Section 143.1103; amending Chapter 15, Article 6, Division 3 by amending Sections 156.0302, 156.0304, 156.0307, 156.0308, 156.0309, 156.0310, 156.0313, and 156.0315; amending Chapter 15, Article 7, Division 3 by amending Section 157.0304; amending Chapter 15, Article 10, Division 1 by amending Section 1510.0107; amending Chapter 15, Article 10, Division 3 by amending Section 1510.0301 and retitling and amending Section 1510.0304; amending Chapter 15, Article 16, Division 1 by amending Section 1516.0107 and 1516.0139, relating to the 2021 San Diego Land Development Code/Municipal Code update.

Subitem-B: (O-2022-60)

Ordinance amending Chapter 12, Article 9, Division 7 of the San Diego Municipal Code by amending Section 129.0710; and amending Chapter 14, Article 1, Division 4, by amending Section 141.0420, relating to ministerial approval of installation of equipment in public right-of-way.

Committee Actions Taken: N/A

Planning: Renee Mezo, (619) 236-6033

City Attorney Contact: Lauren Hendrickson

Item 63: Exemption of One Assistant Director and Two Program Manager Positions in the Parks and Recreation Department From the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The new unclassified Assistant Director and two Program Manager positions annual cost, including salaries and fringe benefits totals approximately \$285,696 for the Assistant Director and \$210,642 for each Program Manager. Funds for this expense will be available in General Fund, Parks and Recreation Department due to vacancy savings in FY 2022. The positions will be requested in the FY 2023 budget process.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/14/2021, Item 50. (Council voted 8-0, Councilmember Campbell- not present):

(O-2022-62)

Ordinance authorizing the exemption of an Assistant Department Director position and two Program Manager positions in the Parks and Recreation Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on November 4, 2021. The Assistant Department Director position will be responsible for department-wide recreation programming, policy development, fiscal management, special projects, and other related duties. One Program Manager position will develop and implement policies and procedures related to fiscal operations, and other related duties. One Program Manager position will plan, direct, and oversee Park Master Plan policies related to park infrastructure, and other related duties. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Parks & Recreation: Andy Field, (619) 235-1110

City Attorney Contact: Miguel Merrell

Item 64: First Amendments to the As-Needed Landscape Architectural Design Consultant Agreements with Estrada Land Planning, Inc. (H166713), Schmidt Design Group, Inc (H166714) and Spurlock Landscape Architects (H166715).

Total Estimated Cost of Proposed Action and Funding Source:

These amendments will extend contract duration only and do not have associated Fiscal Considerations.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinances which were introduced on 12/14/2021, Item 51, Subitem A, B and C. (Council voted 8-0, Councilmember Campbell- not present):

Subitem-A: (O-2022-56)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the as-needed Agreement with Estrada Land Planning Inc. extending the Agreement an additional 24 months to complete the 4 tasks that were already issued under the Agreement.

6 votes required pursuant to Charter Section 99.

Subitem-B: (O-2022-57)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the as-needed Agreement with Schmidt Design Group Inc., extending the Agreement an additional 48 months to complete the 6 tasks that were already issued under the Agreement.

6 votes required pursuant to Charter Section 99.

Subitem-C: (O-2022-58)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the as-needed Agreement with Spurlock Landscape Architects extending the Agreement an additional 36 months to complete the 5 tasks that were already issued under the Agreement.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Engineering & Capital Projects: Elif Cetin, (619) 533-3794

City Attorney Contact: Dana C. Fairchild

Item 65: Proposed Amendments to Chapter 14, Article 7, Division 4 of the San Diego Municipal Code Relating to the Plumbing Retrofit Upon Resale Ordinance.

Total Estimated Cost of Proposed Action and Funding Source:

There are no costs being authorized; revenue will be reduced by approximately \$45,000 - \$50,000 due to the removal of the \$10 filing fee.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/14/2021, Item 52.
(Council voted 8-0, Councilmember Campbell- not present):

(O-2022-61)

Ordinance of the City Council amending San Diego Municipal Code (SDMC) sections 147.0403, 147.0404, 147.0405, 147.0406 and 147.0408, relating to Other Water-Conserving Plumbing Standards pursuant to Senate Bill 407 and to remove the administrative requirement of filing a Water Conservation Certificate with the Building Official.

Committee Actions Taken: N/A

Public Utilities: Brian Hojnacki, (619) 533-4187

City Attorney Contact: Ray Palmucci

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: **Authorization to Enter into a Joint Use Agreement with San Diego Gas & Electric Company for Use of a Portion of Public Right of Way Known as Eastgate Mall.**

Total Estimated Cost of Proposed Action and Funding Source:

No current impact, but future impact possible.

Council District(s) Affected: 1.

Proposed Actions:

(R-2022-218)

Resolution authorizing the Mayor, or his designee, to enter into a Joint Use Agreement with San Diego Gas & Electric Company, for the relocation of a gas line into the public right-of-way within a portion of Eastgate Mall.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on December 9, 2021.

ACTION: Motion by Committee Member LaCava, second by Vice Chair Elo-Rivera, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Whitburn-yea, Elo Rivera-yea, LaCava-yea, Moreno-yea.

Department of Real Estate and Airport Management: Barry Slotten, (619) 236-6724

City Attorney Contact: Marco A. Verdugo

Item 101: **Lease Surrender and Termination Agreement with American Institute of Architects San Diego Chapter for City-Owned Property, Located at 1220 Third Avenue, San Diego, CA 92101.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action; City will not receive the monthly rent of \$1,453.43 plus annual three percent (3%) rent increases.

Council District(s) Affected: 3.

Proposed Actions:

(R-2022-212)

Resolution authorizing the Mayor, or his designee, to sign and deliver the Lease Surrender and Termination Agreement Between the City of San Diego and the American Institute of Architects San Diego Chapter, a Non-Profit Organization, for the Real Property Located at 1220 Third Avenue, San Diego, California.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on December 9, 2021.

ACTION: Motion by Vice Chair Elo-Rivera, second by Committee Member LaCava, to recommend Council approval of staff's proposed actions

VOTE: 4-0; Whitburn-yea, Elo-Rivera-yea, LaCava-yea, Moreno-yea, .

Department of Real Estate and Airport Management: Nicole McGinnis, (619) 236-6987

City Attorney Contact: Melissa Ables

Item 102: **Appointment to the Commission on Gang Prevention and Intervention.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 3.

Proposed Actions:

(R-2022-123)

Resolution confirming the Mayor's appointment of Maria Ezquerro to the Commission on Gang Prevention and Intervention for a term ending July 1, 2023.

Committee Actions Taken: N/A

Office of Boards and Commissions: Mathew Gordon, (619) 533-4506

City Attorney Contact: Kathy Steinman

Item 103: Honorary Street Name: Recognition of Tom Hom on the 600 block of Third Avenue (Intersection of Market Street and Third Avenue) Pursuant to San Diego Municipal Code Section 125.1130, "Honorary Street Names," and Council Policy 200-10, "Honorary Street Names."

Total Estimated Cost of Proposed Action and Funding Source:

Council Policy 200-10, "Honorary Street Names," states that funding for the installation of honorary street title signs shall be the responsibility of the sponsoring Councilmember. The Councilmember shall identify, obtain, and make such funds available to the Mayor, or designee. Therefore, funding for this honorary street title sign will be provided by Council District 3.

Council District(s) Affected: 3.

Proposed Actions:

(R-2022-214)

Resolution designating the 600 block of Third Avenue at the intersection of Third Avenue and Market Street in the Downtown community as Tom Hom Avenue.

Committee Actions Taken: N/A

Council District 3: Codi Vierra, (619) 236-6633

City Attorney Contact: Ryan P. Gerrity

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED AT THE MEETING)

Item 30: La Jolla Surf Diva Day.

COUNCILMEMBER LACAVA'S RECOMMENDATION:

Proclaiming January 6, 2022, to be "La Jolla Surf Diva Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

PUBLIC COMMENT ON CLOSED SESSION

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Temporary Rule 2.6.2, non-agenda public comment is limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes, during the morning session. Non-agenda public comment at the beginning of the meeting may be limited to 30 minutes, with any remaining speakers given an opportunity to speak after Council concludes the other agenda items for the day.

MAYOR, COUNCIL, CITY ATTORNEY, INDEPENDENT BUDGET ANALYST, CITY CLERK COMMENT

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 330: Authorization for the Public Facilities Financing Authority of the City of San Diego Sewer Revenue Bonds.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Fiscal Considerations section of Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2022-66)

Introduction of an Ordinance approving and authorizing the Public Facilities Financing Authority of the City of San Diego to issue and sell its Sewer Revenue Bonds in an amount not-to-exceed \$282,000,000 to finance additional components to the wastewater system and refinance prior obligations, approving the forms and authorizing the execution and delivery of related financing documents, and approving and authorizing certain other agreements and actions in connection therewith.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 13, 2021.

ACTION: Motion by Councilmember Whitburn, second by Councilmember Campillo, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Cate-yea, Whitburn-yea, Campillo-yea, Montgomery Steppe-not present.

Debt Management: Jyothi Pantulu, (619) 236-6917

City Attorney Contact: Bret A. Bartolotta

See the Public Facilities Financing Authority Agenda of January 11, 2022, for a companion item.

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Sixteenth Recognized Obligation Payment Schedule, July 1, 2022, through June 30, 2023, and Associated Annual Successor Agency Administrative Budget.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Total disbursements toward enforceable obligations during the ROPS 16 fiscal year are \$73,004,389, which is funded with \$7,431,174 of funds on hand from the Former RDA, including bond proceeds, other funds, and reserves, \$1,435,170 from Administrative Cost Allowance from RPTTF, and a disbursement of \$64,138,045 from the RPTTF for enforceable obligations.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2022-213)

Successor Agency Resolution (i) approving the sixteenth Recognized Obligation Payment Schedule for July 1, 2022, through June 30, 2023 (ROPS 16), (ii) approving an administrative budget for the ROPS 16 fiscal year, and (iii) authorizing the Mayor and Chief Financial Officer to carry out certain related actions.

Committee Actions Taken: N/A

Economic Development: Christina Bibler, (619) 236-6493

City Attorney Contact: Kevin Reisch

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 332: Appeal of the Planning Commission Decision to Approve the Del Mar Heights Elementary School Rebuild Project No. 666025.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

No fiscal impact. All costs associated with the processing of the Project are recovered through a deposit account funded by the applicant. Appeal fees are paid by the appellant.

Council District(s) Affected: 1.

Proposed Actions:

Appeal of the Planning Commission decision to approve a Coastal Development Permit, Conditional Use Permit, Site Development Permit, and a Planned Development Permit for the Del Mar Heights Rebuild Project No. 666025 for the reconstruction of an existing elementary school located at 13555 Boquita Drive.

According to San Diego Municipal Code Section 112.0508(f), Power to Act on Appeal, the City Council may:

- (1) Affirm Planning Commission's decision to grant the permits;
- (2) Modify Planning Commission's decision to grant the permits with modifications; or
- (3) Reverse Planning Commission's decision to grant the permits.

Directing the City Attorney to prepare the appropriate Resolutions according to Section 40 of the City Charter.

This item is not subject to the Mayor's veto.

Committee Actions Taken: N/A

Development Services: Catherine Rom, (619) 446-5277

City Attorney Contact: Corrine Neuffer

Item 333: California Coastal Commission Amendments to the Inclusionary Affordable Housing Regulations.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

The proposed amendments do not change any current funding mechanisms or funds. The City's Inclusionary Affordable Housing regulations require developers of ten or more housing Units (outside the Coastal Overlay Zone) to pay an Inclusionary Affordable Housing Fee. Revenue from this fee is deposited into the City's Affordable Housing Fund. The uses of these funds, which are administered by the San Diego Housing Commission (SDHC), include, but are not limited to, the creation of affordable rental.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2022-219)

Resolution determining that the amendments to the San Diego Municipal Code relating to accepting the California Coastal Commission's suggested modifications required for certification of the City's Inclusionary Affordable Housing Regulations are not a project pursuant to the California Environmental Quality Act and are exempt from the California Environmental Quality Act pursuant to Section 15183 of the CEQA Guidelines.

Subitem-B: (O-2022-68)

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13 of the San Diego Municipal Code by amending Sections 142.1302, 142.1305, and 142.1307, relating to accepting the California Coastal Commission's suggested modifications required for certification of the City's Inclusionary Affordable Housing Regulations.

Committee Actions Taken: N/A

Planning: Renee Mezo, (619) 236-6033

City Attorney Contact: Heather Ferbert

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT